

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**ARNOLD ANDERSON,**

**Plaintiff,**

**v.**

**JEFF LAWLESS, *et al.*,**

**Defendants.**

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**Case No. 2:17-CV-1057**

**JUDGE ALGENON L. MARBLEY**

**Magistrate Judge Deavers**

**ORDER**

This matter comes before the Court on the Magistrate Judge's December 21, 2017 **Report and Recommendation** (ECF No. 6), which recommended that Plaintiff's First Amendment retaliation and Eighth Amendment use of force claims continue against Defendants Spoljarik, Hatfield, and Akers in their individual capacities, and that the Court dismiss all of Plaintiff's other claims for failure to assert any claim on which relief may be granted.

The Report and Recommendation specifically advised the parties that the failure to object results in a waiver of the right to have the district judge review the Report and Recommendation *de novo*, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. (ECF No. 6 at 16). The parties have failed to file any objections, and the deadline for objections (January 4, 2018) has lapsed.

The Court hereby **ADOPTS** the Report and Recommendation based on the independent consideration of the analysis therein. Plaintiff's First Amendment retaliation and Eighth Amendment use of force claims against Defendants Spoljarik, Hatfield, and Akers in their individual capacity are allowed to continue, and the remaining claims are hereby **DISMISSED**.

**IT IS SO ORDERED.**

**s/ Algenon L. Marbley**  
**ALGENON L. MARBLEY**  
**UNITED STATES DISTRICT JUDGE**

**DATED: February 21, 2018**